

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Offic**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/422, 046	10/20/93	BROWN	S HERO-1-1025

025315  
BLACK LOWE & GRAHAM  
816 SECOND AVE.  
SEATTLE WA 98104

TM11/1222

EXAMINER

NGUYEN, L

ART UNIT	PAPER NUMBER
2166	4

**DATE MAILED:** 12/22/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/422,046	BROWN, STEPHEN J.
	Examiner Leslie K. Nguyen	Art Unit 2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Pre-Amendment A filed 20 October 1999.
2.  The allowed claim(s) is/are 1.
3.  The drawings filed on 20 October 1999 are acceptable as formal drawings.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5.  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

6.  Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
7.  Applicant MUST submit NEW FORMAL DRAWINGS
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1)  hereto or 2)  to Paper No. \_\_\_\_\_.
  - (b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the examiner.
  - (c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

8.  Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE / SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

#### Attachment(s)

- 1  Notice of References Cited (PTO-892)
- 3  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 5  Information Disclosure Statements (PTO-1449), Paper No. \_\_\_\_\_.
- 7  Examiner's Comment Regarding Requirement for Deposit of Biological Material

- 2  Notice of Informal Patent Application (PTO-152)
- 4  Interview Summary (PTO-413), Paper No. \_\_\_\_\_.
- 6  Examiner's Amendment/Comment
- 8  Examiner's Statement of Reasons for Allowance
- 9  Other

  
**TARIQ R. HAFIZ**  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 2100

***Examiner's Statement for Reasons for Allowance***

The Examiner will list prior art (with brief discussion of each) used during the prosecution of application 09/422,046 (herein referred to as the Application) before discussing reasons for allowance.

- Dempsey et al. (U.S. Pat. No. 6,057,758) teach a portable device for monitoring a patient via wireless communications. The device monitors the patient's physiological condition, displays a signal representing the physiological condition, and provides an alarm indication in response to an identified anomaly.
- Echerer (U.S. Pat. No. 6,046,761) teaches an interactive communication system between a medical practitioner and a patient. Patients communicate and receive a diagnosis from the medical practitioner using communications means (audio, video, and text).
- Chaco et al. (U.S. Pat. No. 5,822,544) teach a patient care and communication system which comprises central processing means and remote stations electronically connected to the central processing means. Communication between remote stations is carried out by predefined audio, visual, and data signal communications transmitted to each station in a group.
- Fujimoto (U.S. Pat. No. 5,339,821) teaches a home medical system that allows a patient to measure his or her medical condition at home. The system comprises a medical apparatus in communication with a medical institution side communication apparatus.

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The Application has been awarded the effective filing date of application number 07/977,323 filed 17 November 1992, now U.S. Pat. No. 5,307,263. The effective filing date of the Application is prior to that of the effective filing dates of Dempsey et al. and Echerer. Chaco et al. has an effective filling date of 27 July 1990. However, Chaco et al. fails to provide means for "generating the script program with the health care provider script generator, the script program having script commands representing a computer-executable patient protocol for the management and monitoring of the patient's heal condition." The closest prior art is Fujimoto with an effective filing date of 13 February 1992. Fujimoto teaches a similar system that allows a patient to measure his or her medical condition at home and then transmit the results to a medical care provider. However, Fujimoto fails to provide means for "generating the script program with the health care provider script generator, the script program having script commands representing a computer-executable patient protocol for the management and monitoring of the patient's heal condition." Fujimoto further fails to provide means for "downloading the script program from the health care provider apparatus to the remotely programmable patient apparatus over the communication network." The closest prior art, Fujimoto, fails to anticipate or render obviousness the invention claimed in the Application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie K. Nguyen whose telephone number is 703-306-5540. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on 703-305-9643. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-308-9051 for regular communications and 703-308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Leslie K. Nguyen  
December 14, 2000

  
TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

025315  
BLACK, LOWE & GRAHAM  
816 SECOND AVE.  
SEATTLE WA 98104

TM11/1222

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/422,046	10/20/99	001	NGUYEN, L	2166 12/22/00
First Named Applicant	BROWN, 35 USC 154 (b) term ext. = 0 Days.			

TITLE OF INVENTION REMOTE HEALTH MONITORING AND MAINTENANCE SYSTEM

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEES DUE	DATE DUE
3 HERO-1-1025	705-003.000	W89	UTILITY	YES	\$620.00	03/22/01

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.**  
**PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number.  
Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

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